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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,029	09/30/2005	Laszlo Kerekes	27793-00097USPX	9254

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WINSTEAD SECHREST & MINICK P.C.
P.O. BOX 50784
DALLAS, TX 75201

EXAMINER

LIU, JONATHAN

ART UNIT	PAPER NUMBER
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3673

MAIL DATE	DELIVERY MODE
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05/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/520,029	Applicant(s) KEREKES ET AL.	
	Examiner Jonathan J. Liu	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/24/2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In response to remarks filed 1/24/2007

Response to Arguments

1. Applicant's arguments filed 1/24/2007 have been fully considered but they are not persuasive.

With regards to applicants' amendment of "the plurality of tubular pockets being directly interconnected" – because member 4 of Tufenkjian is integral (e.g. same material) as member 2, the tubular pockets are indeed directly connected because there is no additional/alternative member between said pockets. Furthermore, as can be seen in figure 2 of Tufenkjian, there are seams adjacent each tubular pocket (the broken lines; Merriam-Webster defines "seam" as the joining of two pieces near the edge). Accordingly, Tufenkjian as modified, meets the limitation wherein "the plurality of tubular pockets being directly interconnected via seams."

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. The term "differently selected" in claim 5 is a relative term which renders the claim indefinite. The term "differently selected" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one

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of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tufenkjian (US 1,733,034) in view of Bradbury (US 4,826,249). Tufenkjian discloses a seat cushion comprising a plurality of low-elasticity tubular pockets (2) arranged side by side (see figure 3), adjacent tubular pockets of the plurality of tubular pockets being directly interconnected via seams (see figure 2); wherein each of the plurality of tubular pockets comprises a pouch (1) comprising an elastic plastic material with a valve (11); wherein the plurality of tubular pockets are enclosed by a shell (8) made of a textile material of low elasticity; wherein said plurality of tubular pockets are sewn to the shell along further seams such that the shell is tensioned and forms a cushion surface when the plurality of pouches are filled with compressed air. It would have been obvious to sew the pockets to the shell instead of using fasteners (10) for a more permanent and secure attachment means. With respect to the limitations of a "low-elasticity textile" [e.g. the pockets and the shell], it is within an ordinary level of skill in the art to vary the elasticity of the materials being used in inflatable devices – depending upon on expansion preferences (as set by manufacturer, etc.), which ultimately affects the

resilience of the cushion. Although Tufenkjian is silent to the exact elasticity of the pockets and shell, it would have been obvious to make the materials of a low elasticity in order to provide a "tight" and stable cushion. Furthermore, the covers (e.g. 2, 8) of Tufenkjian are *capable of* being of "low elasticity."

Although Tufenkjian does not teach a seat cushion *and* a backrest cushion, Bradbury teaches to use the same cushion structure for a seat cushion and a backrest cushion (see figure 3). Tufenkjian and Bradbury are analogous because they are from the same field of endeavor, i.e. cushions. It would have been obvious to modify the invention of Tufenkjian to include a backrest member equivalent in structure to the seat cushion as disclosed (by Tufenkjian). The motivation would have been to provide adequate support for a user's back. Therefore, it would have been obvious to modify the invention to Tufenkjian as specified in claim 1.

With regards to claims 2 and 3, it is simply a matter of preference to design the seat/back cushions wherein the plurality of tubular pockets are either arranged parallel to a direction of the seat or across the seat cushion (as shown by Bradbury). It would have been an obvious matter of design since applicant has not disclosed that the pocket orientation solves any stated problems or is for any particular purpose and it appears that the invention would perform equally well with either of the claimed pocket orientations. Furthermore, it is well within an ordinary level of skill within the art to orient the pockets of Tufenkjian as preferred.

In regards to claim 4, all of the plurality of tubular pockets in the seat cushion and the backrest cushion are of the same size (see figure 3 of Tufenkjian).

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7. Claims 5-7 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Tufenkjian (US 1,733,034) in view of Bradbury (US 4,826,249), in further view of Sekido et al. (US 4,965,899). Tufenkjian as modified, teaches the inventions of claim 2. However, Tufenkjian does not teach that the cross dimensions of the pockets vary in size (as best understood by the meaning of "differently selected"). Sekido et al. teach an inflatable cushion comprising tubular elements that vary in size (see figure 8). Tufenkjian and Sekido et al. are analogous because they are from the same field of endeavor, i.e. cushions. It would have been obvious to one of ordinary skill in the art to modify the pouches of Tufenkjian to vary in their cross dimensions. The motivation would have been to provide a more contoured surface increasing comfort. Therefore, it would have been obvious to modify the invention to Tufenkjian as specified in claim 5.

Regarding claim 6, the pockets of the seat and the backrest cushions can be filled individually with compressed air (inherently taught by Tufenkjian: col. 2, lines 72-73).

With regards to claim 7, Tufenkjian as modified, does not teach to vary the cross dimensions of the pockets along their longitudinal dimensions. Sekido et al. teach an inflatable cushion comprising tubular elements that vary along their longitudinal dimension (see figure 7). It would have been obvious to one of ordinary skill in the art to modify the tubular elements of Tufenkjian to vary along their longitudinal length. The motivation would have been to provide a more contoured surface increasing comfort.

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Therefore, it would have been obvious to modify the invention to Tufenkjian as specified in claim 7.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

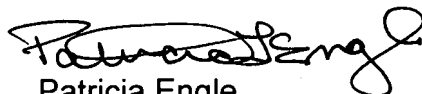
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan J. Liu whose telephone number is (571) 272-8227. The examiner can normally be reached on Monday through Friday, 8 am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Patricia Engle
Supervisory Patent Examiner
Art Unit 3673

Jonathan Liu
Patent Examiner
Art Unit 3673